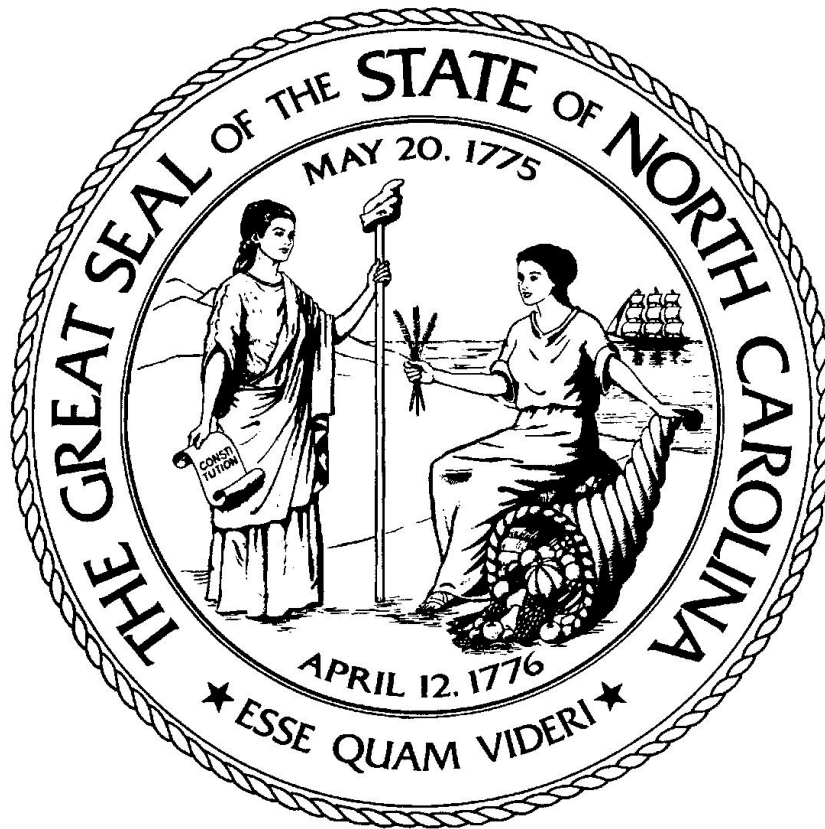


North Carolina
Office of Administrative Hearings
Strategic Plan
2019 – 2021



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1. North Carolina Office of Administrative Hearings

Strategic Plan Executive Summary

SCOPE OF AGENCY WORK

The North Carolina Office of Administrative Hearings (OAH) is an independent, quasi-judicial agency established to:

- hear and render administrative decisions in a fair and impartial manner;
- administer a uniform system of administrative rule making and review procedures for agencies;
- act as the official publisher of the North Carolina Register and the North Carolina Administrative Code;
- serve as the deferral agency for the Equal Employment Opportunity Commission; and
- investigate acts of discrimination in employment and housing.

OAH strives to render contested case decisions that will be upheld on appeal by correctly applying state and federal laws to the facts of the case. This goal is to be accomplished by implementation of the Hearings Division objectives and strategies hereinafter set forth in Strategic Pillar I (Hearings Division.)

The Rules Division performs legal analysis and administrative and technical work in the review, compilation, production, and publication of the North Carolina Register and the North Carolina Administrative Code; and provides administrative support and legal counsel to the Rules Review Commission (RRC). The objectives and strategies set forth in Strategic Pillar II (Rules Division) ensure that rulemaking activities of all state agencies comply with the requirements of the Administrative Procedure Act (APA.)

The Civil Rights Division is designated to serve as the State's deferral agency for cases deferred by the Equal Employment Opportunity Commission (EEOC) as provided in Section 706 of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act for employment discrimination charges filed by government employees covered under Chapter 126 of the General Statutes. This Division also functions as the enforcement agency for the State Fair Housing Act and provides administrative and technical support to the State's Human Relations Commission (HRC). The HRC facilitates discussions with local communities on a wide variety of issues related to community relations, employment, education and housing. The objectives and strategies set forth in Strategic Pillar III (Civil Rights Division) are intended to ensure that all investigations are carefully documented and evaluated to produce accurate investigations and decisions based on evidence and within time frames that deliver quality service to all parties involved.

OAH STRATEGIC PLANNING PROCESS

OAH executive leadership and representatives from each OAH Division met several times to discuss and update the OAH mission, vision, values, and divisional goals and objectives for the upcoming biennium. OSBM staff provided excellent off-site and on-site strategic planning training sessions for OAH staff and helpful resources such as the OSBM Strategic Planning Template to aid in the development of the OAH 2019-2021 Strategic Plan.

HIGHLIGHTS OF OAH ACCOMPLISHMENTS

In 2016, OAH launched an electronic filing system for contested cases which has made the process paperless and easier for North Carolina citizens to file a case.

OAH created an online agenda for the Rules Review Commission's monthly meetings by building the agenda with real time access to information as it is developed. This information is provided to the Rules Review Commissioners and is available to the public.

In 2017, OAH incorporated HUD investigations and Human Relations Commission meetings into its operations at OAH Headquarters.

OAH VISION IN THE 2019-2021 BIENNIUM

OAH envisions utilizing current technological advancements to move to a paperless environment:

- with its electronic publication of the North Carolina Register and the North Carolina Administrative Code; and
- by transitioning the Rules Review Commission and Human Relations Commission meetings to paperless by providing electronic devices to Commission Members for electronic access.

OAH would like to develop more outreach programs to educate citizens on ways they can participate in the rule making process and its means of disseminating information to the public as to the services provided by each OAH Division.

It is an Agency priority to replace the outdated and antiquated telephone system with a new digital system.

OAH will be in a more favorable position to fulfill the expectations of parties served by the Agency in the next biennium with the addition of the following two staff positions:

- User Support Technician I Full-Time Equivalent (FTE)

This position is needed to address the increasing exposure and risks to this growing agency due to:

- 1) evolving service and business interfacing with internal and external customers;
- 2) the need for better focus and responsiveness to Information Technology (IT) security due to shared resources and increased cyber-related exposures; and

3) the need for specialty skills to meet future challenges and requirements of advanced technologies.

- **Administrative Associate II GN05 FTE**

This position is needed in the Clerk's Office and Civil Rights Division to address the volume of cases filed with OAH in a more timely and efficient manner. The position will enable the Clerk's Office to more efficiently address timely case initiation of new and existing jurisdictions as well as perform administrative tasks associated with office operations and hearings processes. It will enable the HRC to more efficiently provide administrative and clerical support for the Human Relations Commission.

Mission Statement

OAH Mission Statement:

To serve the citizens of North Carolina with quality and efficiency by providing an independent forum for prompt and impartial resolution of administrative law contested cases involving citizens and state agencies; functioning as the State's codifier, publisher, and reviewer of all administrative rules; and investigating alleged acts of unlawful discrimination in employment and housing.

Vision Statement

OAH Vision Statement:

To continue to educate and serve the citizens by protecting their due process rights in a timely, fair and impartial manner in investigations and adjudications, and provide transparency through technological advances in the publication and review of administrative rules.

Organizational Values

OAH Organizational Values:

Professionalism: Exhibit courteous, conscientious, and professional manner in all work-related activities and when communicating with the public and others in the workplace. Be knowledgeable about all aspects of one's job. Act for the public good without regard to convenience or self-interest. Be trustworthy and dependable in carrying out one's job responsibilities. Be respectful and cooperative when interacting with the public and others in the workplace. Uphold behavioral and ethical standards relevant to one's job and/or profession and honor commitments. Take initiative in implementing professional responsibilities, not necessarily waiting for directives when initiatives are clearly called for and predictable.

Customer Service: Consistently demonstrate a strong commitment to providing quality services to external and internal customers. Proactively identify customer needs and requirements, and continuously improve performance of self and others. Develop, implement, and evaluate work processes which are both efficient and effective from the customers' perspectives.

Diversity & Inclusion: Demonstrate an open-minded approach to understanding people, regardless of their gender, age, race, national origin, religion, ethnicity, disability status, or other characteristics; treat all people fairly and consistently and with dignity and respect; effectively build an inclusive work environment composed of people from diverse backgrounds and with diverse perspectives, where everyone feels welcomed and valued and is allowed the opportunity to use their skills, abilities, and knowledge to succeed.

Safety & Health: Consistently demonstrate a strong commitment to providing employees with a safe and healthy workplace. Proactively identify and reduce or act immediately to reduce risks and hazards and abide by regulatory requirements. Understand the importance of safe work practices and act to correct unsafe conditions, not waiting for others to correct issues. Develop, implement, and evaluate work processes (utilizes Hazard Recognition practices) that address immediate risk and that also improve systems to address future risk.

Comply with all state and agency safety requirements, including training, medical clearance, injuries/illness reporting requirements, and medical treatment for work-related injuries/illnesses.

Strategic Pillar I

(Hearings Division) Providing an independent forum for prompt and impartial resolution of administrative law contested cases involving citizens and state agencies

Goal 1 – Conduct Contested Case Hearings		
Objective 1.1 - Render final decisions that correctly apply the laws of North Carolina.		
1.1.1 – Percentage of final decisions that are affirmed on appeal	Strategy	All Administrative Law Judges are to fully comply with North Carolina State Bar Continuing Legal Education requirements by attending CLE programs that focus on administrative law, ethics, substance abuse, changes in the law, and related proficiencies that improve ALJ performance.
	Strategy	All Administrative Law Judges are to attend monthly meetings as scheduled by the Chief Administrative Law Judge for discussions of current legal issues.
Goal 2 – Manage Dockets and Case Flow		
Objective 2.1 – Review filings upon receipt and issue orders and notices of hearing accordingly.		
2.1.1 – Percentage of cases noticed for hearing within statutory deadlines	Strategy	Generate reports detailing case status and deadlines for all contested cases noticed for hearing within ABA time standards.
2.1.2 – Percentage of cases with decisions rendered within statutory deadlines	Strategy	Generate reports for all contested cases with final decisions rendered.
Goal 3 – Conclude Contested Cases In A Timely Manner		
Objective 3.1 - To dispose of 90% of non-Medicaid contested case filings within 180 days.		
3.1.1 – Percentage of non-Medicaid contested cases successfully closed within 180 days of filing	Strategy	Generate reports identifying non-Medicaid contested cases pending over 180 days and non-Medicaid contested cases with no activity within past 120 days to be reviewed monthly.
Objective 3.2 - To dispose of 90% of Medicaid contested case filings within 90 days.		
3.2.1 – Percentage of Medicaid contested cases successfully closed within 90 days of filing	Strategy	Maintain a spreadsheet of all open Medicaid contested cases, arranged by filing date to identify aged cases.

Strategic Pillar II

(Rules Division) Functioning as the State's codifier, publisher, and reviewer of all administrative rules

Goal 1 – Publication of Rules		
Objective 1.1 – Rules submitted by agencies are published within the deadlines established by statute and rule		
1.1.1 – Notices and rules are published and available to the public at no charge	Strategy	<i>Rules and other information about the state's rulemaking process are available on the OAH website</i>
Goal 2 – RRC Review of Rules		
Objective 2.1 – OAH staff to review rules submitted for approval by the RRC		
2.1.1 –RRC reviews rules and takes action within established statutory deadlines	Strategy	<i>OAH website contains all information concerning the monthly RRC meeting, rules and reports submitted for review</i>
Goal 3 – Rulemaking Training		
Objective 3.1 – To provide training annually		
3.1.1 –OAH provides one or more trainings annually	Strategy	<i>OAH expands training to individual agencies and interest groups</i>

Strategic Pillar III

(Civil Rights Division) Investigating alleged acts of unlawful discrimination in employment and housing

Goal 1 – Conduct Discrimination Investigations		
Objective 1.1 – Issue notices of decision that are consistent with established proof standards for Title VII and Title VIII, ADEA and ADA charges.		
1.1.1 – Percentage of charges that are accepted and approved	Strategy	<i>Participate in technical assistance trainings and webinars.</i>
	Strategy	<i>Attend monthly scheduled meetings for charge assessment and development regarding enforcement standards.</i>
Goal 2 – Reduce the Time to Formalize a charge of Discrimination		
Objective 2.1 – Decrease response time on inquiries to potential charging parties.		
2.1.1 – Percentage of preliminary intake inquiries formalized as charges after initial inquiry	Strategy	<i>Complete initial assessment and evaluation of all new inquiries within 60 days.</i>
2.1.2 – Percentage of charges formalized within statutory deadlines	Strategy	<i>Complete formalized charge and provide notice to all parties within statutory deadlines.</i>
Goal 3 – Complete Discrimination Investigations in a Timely Manner		
Objective 3.1 – Finalize investigative process within 200 days.		
3.1.1 – Percentage of Title VII and Title VIII, ADEA and ADA charges approved and closed	Strategy	<i>Monthly reports will be distributed identifying Title VII and Title VIII, ADEA and ADA pending charges in the inventory that are over 200 days old.</i>
	Strategy	<i>Assess and evaluate charges for potential settlement within 45 days of case assignment.</i>
Objective 3.2 – Reduce the administrative closure rate to 10%.		
3.2.1 – Percentage of formalized charges closed administratively within 120 days	Strategy	<i>Review charge files monthly for administrative closures.</i>

1. Highlights and Opportunities

In 2016 OAH launched an electronic filing system for contested cases, which has made the contested case process paperless and easier for North Carolina citizens and agencies to file a contested case.

OAH has created an online agenda for the Rules Review Commission's monthly meetings which allows for real time access to the agenda as it is developed. This information is provided to the Rules Review Commissioners and is available to the public.

Potential Initiatives

OAH envisions moving to a paperless environment with its publication of the North Carolina Register and the North Carolina Administrative Code.

OAH envisions transitioning the Rules Review Commission and Human Relations Commission meetings to paperless by providing electronic devices to Commissioners during meetings.

OAH would like to develop more outreach programs to educate citizens on ways they can participate in the rule making process and learn more about the services provided by each OAH Division.

OAH would like to improve the training and educational initiatives of the Human Relations Commission.

It is an Agency priority to replace the outdated and antiquated telephone system with a new digital system.

To not only protect the integrity of the judicial process but also the safety of the staff and visitors to the OAH building, OAH would like to evaluate and study the security needs for the OAH Raleigh office and implement any recommended security features.

In the next biennium OAH will be in a more favorable position to fulfill the expectations of parties served by the Agency with the addition of the following two staff positions:

- **User Support Technician I FTE position to address the increasing exposure and risks to this growing agency due to:**
 - 1) evolving service and business interfacing with internal and external customers;**
 - 2) the need for better focus and responsiveness to Information Technology (IT) security due to shared resources and increased cyber-related exposures; and**
 - 3) the need for specialty skills to meet future challenges and requirements of advanced technologies.**

OAH experienced significant growth in 2017 with the General Assembly-approved Type I transfer of the 22-member Human Relations Commission (HRC) and HRC Staff (7 FTE's) from the Department of Administration (DOA) to the Civil Rights Division. Currently, the Agency IT Manager/Security Liaison FTE and a part-time .40% shared position provide services to 54 FTE staff positions; the 10-member Rules Review Commission; and the 22-member Human Relations Commission. Due to the current IT staffing level, the issue of separation of duties was

determined to be a moderate risk to the agency under NIST control AC-5 in the 3rd party IT Security Assessment conducted in August 2018.

- **Administrative Associate II GN05 FTE shared position in the Clerk's Office and Civil Rights Division to:**

1) address the volume of cases filed with OAH in a more timely and efficient manner.

Due to the transfer of the HRC to OAH, it is anticipated the HRC will utilize the Hearings Division as a venue for hearing housing discrimination contested cases. The increased documentation of HRC cases and investigations could have an adverse impact on the current Clerk's Office staff (4 FTE's and 2 FTE's Hearing Assistants) that provides administrative and clerical support for the Hearings Division in the Raleigh Office and three resident offices located in Charlotte, Waynesville and High Point.

2) enable the Clerk's Office to more efficiently address timely case initiation of new and existing jurisdictions as well as perform administrative tasks associated with office operations and hearings processes. Likewise, enable the HRC with a dedicated staff position to more efficiently provide administrative and clerical support for the Human Relations Commission.

Collaborative Opportunities

OAH plans to explore the development of training and educational programs as a means of disseminating information regarding the services provided by OAH to the citizens of North Carolina and State agencies.

OAH wishes to increase citizen involvement in all aspects of operations to ultimately promote public value across services rendered in the three Divisions.

OAH is interested in improving and enhancing inter-agency communications by utilizing current technology, such as Service Now, offered by the North Carolina Department of Information Technology.